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Attorneys for Defendants
 CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JOEL WARNE [in pro per]

Plaintiff,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO; UNIVERSITY OF
 CALIFORNIA REGENTS; DR. ANDREA
 TENNER (Lic. 132134) in her official and
 persona capacities; DOES 1 through 100,
 inclusive,

Defendants.

Case No.

**NOTICE TO FEDERAL DISTRICT COURT
 OF REMOVAL OF ACTION FROM STATE
 SUPERIOR COURT (PURSUANT TO 28 U.S.C.
 § 1441(B) (FEDERAL QUESTION))**

TO: CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF:

NOTICE IS HEREBY GIVEN that the City and County of San Francisco ("defendant"),
 named as defendant in the above-captioned action, No. CGC-16-555010, in the files and records of the
 Superior Court in and for the City and County of San Francisco, hereby files in the United States
 District Court for the Northern District of California a Notice of Removal of said action to the said
 United States District Court, pursuant to 28 U.S.C. §§1441 and 1446, and is filing in said Superior
 Court a Notice of Removal.

1 Defendant, pursuant to 28 U.S.C. §§1441 and 1446, presents the following facts to the Judges
2 of the United States District Court for the Northern District of California:

3 A civil action bearing the above-caption was commenced in the Superior Court of California,
4 in and for the City and County of San Francisco, Action No. CGC-15-555010, on October 24, 2016,
5 and is pending therein. The summons and complaint were served on the City on October 28, 2016.

6 The Complaint in said pending action includes allegations brought under 42 U.S.C. § 1983 that
7 the named Defendant violated the civil rights of Plaintiff.

8 This action may properly be removed to this Court pursuant to 28 U.S.C. §1441, for the reason
9 that Plaintiff's complaint alleges a violation of laws of the United States.

10 To the extent that Plaintiff's complaint alleges a claim or cause of action other than violations
11 of rights under the laws of the United States, said cause(s) of action may be removed and adjudicated
12 by this Court pursuant to 28 U.S.C. §1441(c).

13 Pursuant to 28 U.S.C. §1446(b), a copy of the following documents are attached:

14 1. The Summons, Complaint, and Civil Case Cover Sheet are hereto attached as Exhibit
15 A.

16 2. Defendant's Answer to Complaint, Jury Trial Demand, and Objection to Commissioner
17 are hereto attached as Exhibit B.

18 All other process, pleadings and other orders served upon Defendant in this action will be
19 forwarded forthwith when they are retrieved from the Superior Court docket.

20 Venue in this district is proper under 28 U.S.C. § 1441 because this District includes the
21 California Superior Court for San Francisco County, the forum in which the removed action was
22 pending.

23 Defendant will promptly file a Notice of this Removal with the Clerk of the Superior Court for
24 San Francisco County and serve the Notice on all parties.

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1 WHEREFORE, Defendant prays that the above action now pending in the Superior Court of
2 the State of California in and for the City and County of San Francisco be removed in its entirety to
3 this Court for all further proceedings, pursuant to 28 U.S.C. §1441, *et. seq.*

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6 Dated: November 23, 2016

7 DENNIS J. HERRERA
8 City Attorney
9 CHERYL ADAMS
10 Chief Trial Deputy
11 MARK D. LIPTON
12 Deputy City Attorney

13 By: /s/ Mark D. Lipton
14 MARK D. LIPTON

15 Attorneys for Defendants
16 CITY AND COUNTY OF SAN FRANCISCO
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PROOF OF SERVICE

I, DEBORAH ROSAS, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On November 23, 2016, I served the following document(s):

NOTICE TO FEDERAL DISTRICT COURT OF REMOVAL OF ACTION FROM STATE SUPERIOR COURT (PURSUANT TO 28 U.S.C. § 1441(B) (FEDERAL QUESTION))

on the following persons at the locations specified:

Joel Warne
20523 CR 146
Tyler, TX 75703
Tel: 415 815-8512
Email: JoleJWarne@icloud.com
Pro Per Plaintiff

in the manner indicated below:

☒ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed November 23, 2016, at San Francisco, California.


DEBORAH ROSAS